

preceding the filing of the Complaint as well as liquidated damages, attorneys fees, costs and expenses.

3. The Court has entered Findings of Fact and Conclusions of Law whereby attorney's fees were awarded and has ordered that the instant Motion be filed in accordance with the local rules.
4. Opposing counsel will not return telephone calls and has not responded to emails regarding attempts to confer about rates or hours as set for in the local rules.
5. Plaintiffs seek their reasonable attorney's fees in the amount of \$88,117.50 as set forth as Exhibit B to this Motion and are incorporated herein.
6. Plaintiff has additional non-taxable expenses in an amount under \$2,000; however, is unable to retrieve the computer records at the moment. Counsel has hired IT expert to resolve the issue. It is unclear whether this data can be recovered or not. Accordingly, Plaintiff is forgoing these expenses.
7. These fees are evidenced by the billing and time records attached hereto as Exhibit B for the time period through the filing of this Motion.
8. All fees are related to Plaintiff's claims for overtime under the FLSA.
9. The billing rates for the attorneys and paralegals who handled this matter are reflected on the attached billings and affidavit and are summarized as follows: Glenn D. Levy. \$385.00; Larry Gee \$300.00; Adriana Lozano \$75.00. We are not asking the Court to award for the paralegals time.

10. Attached hereto As Exhibit A is the affidavit of Glenn D. Levy who attests that the rates charged by the attorneys and paralegals who performed legal services in this case are reasonable rates and in line with the prevailing hourly rates in San Antonio for similar work.
11. Under the lodestar amount is presumed to be the reasonable fee to which Plaintiff is entitled.
12. Plaintiff requests that the Court adjust the lodestar amount upward by 25% due to Defendants insubordinate intent to require that this case be forced to trial when it was such a blatant violation. As the evidence established, Plaintiff and their counsel have been forced to utilize the Courts resources for a mater which Defendants were aware was a direct violation of law. At every turn, Defendants refused to engage in any effective or good faith settlement negotiations. The case is undesirable in the sense that the Defendants are not asset rich resulting in many attorneys refusing to spend the time necessary to prosecute such a case.

Wherefore Premises Considered, Plaintiffs pray that this Court grant this Motion for attorneys fees and provide for an award of such fees in the Final Judgment entered in this matter

Respectfully submitted,

By: /s/ Glenn Levy
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CERTIFICATE OF CONFERENCE

I certify that I attempted to confer with opposing counsel regarding this motion and was unsuccessful communicating with him:

/s/ Glenn Levy _____
Glenn D. Levy

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

MR. THOMAS J. CRANE
LAW OFFICE OF THOMAS J. CRANE
750 E. MULBERRY, SUITE 303
SAN ANTONIO, TEXAS 78212

/s/ Glenn Levy _____
Glenn D. Levy